

ORDINANCE NO. 2005 - 060

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENT: **SOLID WASTE AUTHORITY/AG RESERVE II (LGA 2005-00035)**, MODIFYING PAGE 98 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 40.88 ACRES, GENERALLY LOCATED ON THE EAST SIDE OF STATE ROAD 7, APPROXIMATELY .25 MILE SOUTH OF THE L-30 CANAL AND 1.5 MILES NORTH OF ATLANTIC AVENUE, FROM AGRICULTURAL RESERVE (AGR) WITH A PRESERVE NOTE TO TRANSPORTATION AND UTILITIES FACILITIES (U/T); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and

comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 30, 2005 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance; and

WHEREAS, on November 28, 2005 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 98 is amended as follows:

Application No.: Solid Waste Authority/Ag Reserve II (LGA 2005-00035)

Amendment: From Agricultural Reserve (AGR) with a preserve note to Transportation and Utilities Facilities (U/T);

General Location: East side of State Road 7, approximately one-quarter mile south of the L-30 Canal, and 1.5 miles north of Atlantic Avenue;

Size: Approximately 40.88 acres;

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.
31 Then, it shall no longer be part of the adopted plan unless the local

1 government adopts a resolution affirming its effectiveness in the
2 manner provided by law.

3 APPROVED AND ADOPTED by the Board of County Commissioners of
4 Palm Beach County, on the 28 day of November, 2005.

5
6 ATTEST:
7 SHARON R. BOCK, CLERK &
8 COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: [Signature]
11 Deputy Clerk

By: [Signature]
Tony Masilotti, Chairman

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
14
15 [Signature]
16 COUNTY ATTORNEY

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18 Filed with the Department of State on the 6th day
19 of December, 2005.

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21 T:\Planning\AMEND\05-1\admin\bccadopt\Ordinances\County Initiated.doc
22
23

EXHIBIT 1

A. Future Land Use Atlas page 98 is amended as follows:

Amendment No.: Solid Waste Authority/Ag Reserve II (LGA 2005-00035)

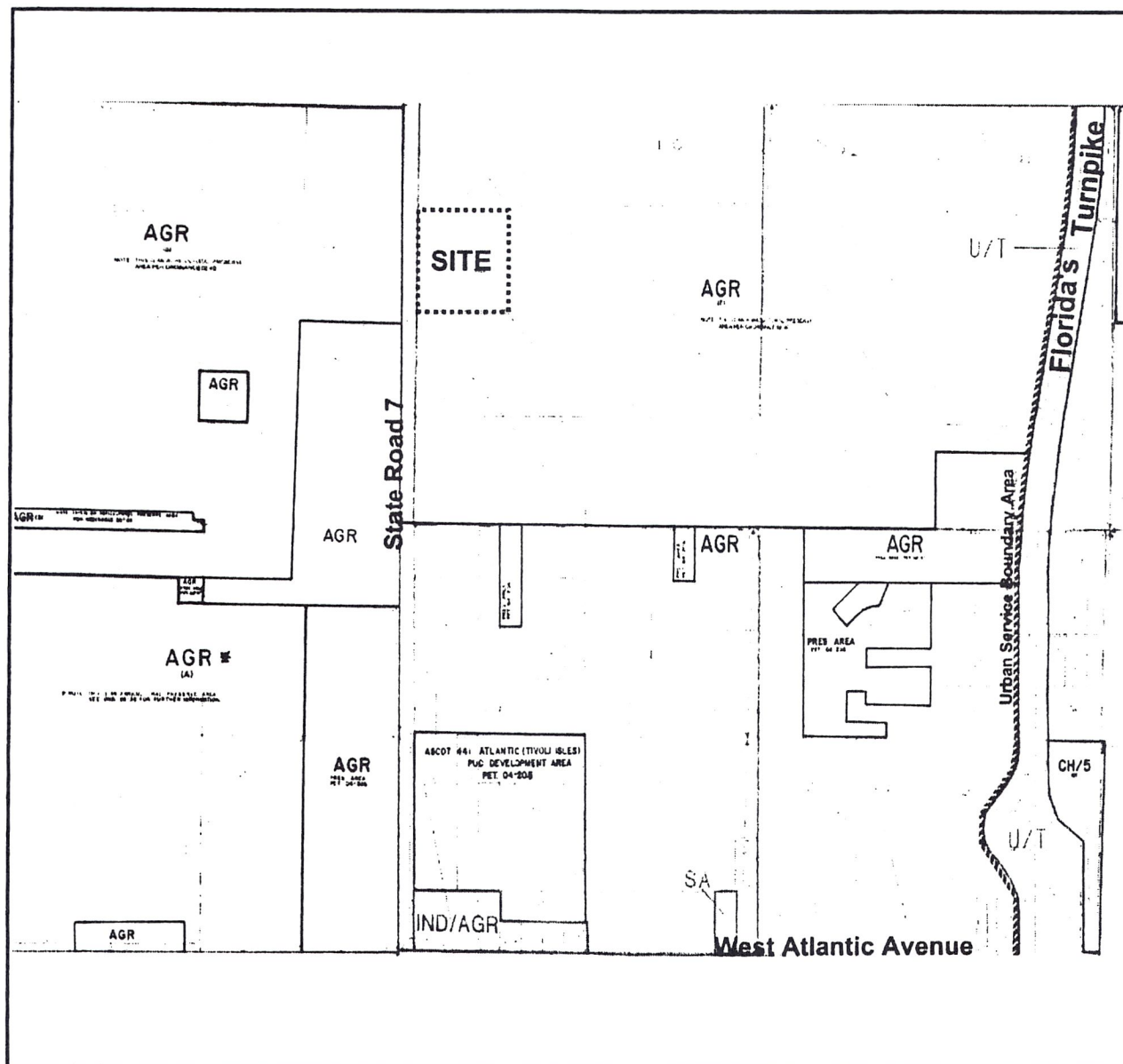
Amendment: From Agricultural Reserve (AGR) with a preserve note to Transportation and Utilities Facilities (U/T).

Location: East of State Road 7, approximately .25 mile south of the L-30 canal and 1.5 miles north of West Atlantic Avenue.

Size: Approximately 40.88 acres

Property Nos.: 00-42-46-07-01-000-0090 (a portion of)

Legal Description: See attached



A PARCEL OF LAND SITUATE IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 45 THROUGH 48, INCLUSIVE, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION OF SAID TRACT LYING NORTH OF THE FOLLOWING DESCRIBED LINE; THE WEST TERMINUS OF SAID LINE BEING LOCATED ALONG THE WEST LINE OF TRACT 48, 52.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 48; THE EAST TERMINUS BEING LOCATED ALONG THE EAST LINE OF TRACT 45, 62.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 45;

TOGETHER WITH:

TRACTS 49 THROUGH 52, INCLUSIVE, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 15 FEET THEREOF.

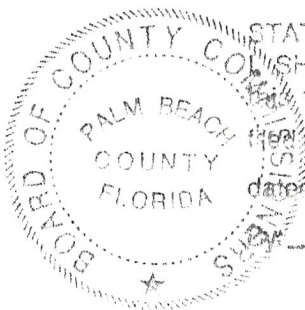
TOGETHER WITH:

THE PORTION OF TRACTS 44 AND 53, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE; THE NORTH BOUNDARY BEING A LINE BEGINNING AT A POINT LOCATED ALONG THE WEST LINE OF TRACT 44, 62.5 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 44, AND TERMINATING AT A POINT LOCATED 47.5 FEET EAST OF SAID TRACT 44, AND TERMINATING AT A POINT LOCATED 47.5 FEET EAST OF AND 62.9 FEET SOUTH OF SAID NORTHWEST CORNER OF TRACT 44; THE SOUTH TERMINUS OF SAID LINE BEING LOCATED 57.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID TRACT 53, ALONG THE SOUTH LINE THEREOF. LESS THE SOUTH 15 FEET THEROF.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AT FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED TRACT 49 BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1, THENCE ALONG THE WEST LINE OF SAID TRACT 49, NORTH 00°41' 23" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00° 41' 23" WEST, A DISTANCE OF 1296.12 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88° 58' 52" EAST, A DISTANCE OF 1370.83 FEET; THENCE SOUTH 01.10' 37" EAST, A DISTANCE OF 1291.26 FEET; THENCE SOUTH 88°46' 49" WEST, A DISTANCE OF 1381.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 40.88 ACRES OF LAND, MORE OR LESS.



STATE OF FLORIDA, COUNTY OF PALM BEACH
SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on November 28, 2005
dated at West Palm Beach, FL on 12/22/2005
Deane Brown
Deputy Clerk